

“(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.

“(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

“(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. 654.

“(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

“(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

“(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

“(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report’s proposed plan of action.

“(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

“(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

“(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

“(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ‘marriage’ and ‘spouse’ and referred to as the ‘Defense of Marriage Act’).

“(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

“(f) TREATMENT OF 1993 POLICY.—

“(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

“(A) by striking section 654; and

“(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

“(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 [Pub. L. 103-160] (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).”

#### IMPLEMENTATION OF SECTION; REGULATIONS; SAVINGS PROVISION; SENSE OF CONGRESS

Pub. L. 103-160, div. A, title V, §571(b)-(d), Nov. 30, 1993, 107 Stat. 1671, 1672, as amended by Pub. L. 111-321, §2(f)(2), Dec. 22, 2010, 124 Stat. 3516, provided that:

“(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act [Nov. 30, 1993], the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

“(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a), may be construed to invalidate any inquiry, investigation, administrative action or proceed-

ing, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

“(d) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

“(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).”

[Pub. L. 111-321, §2(b), (f)(2), Dec. 22, 2010, 124 Stat. 3516, provided that, effective on the date established by section 2(b) of Pub. L. 111-321, set out in a note above, section 571 of Pub. L. 103-160, set out above, is amended by striking out subsections (b), (c), and (d).]

#### § 655. Designation of persons having interest in status of a missing member

(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person’s primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.

(Added Pub. L. 104-106, div. A, title V, §569(d)(1), Feb. 10, 1996, 110 Stat. 352.)

#### CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.

- |      |   |
|------|---|
| 661. | Management policies for joint qualified officers.                                 |
| 662. | Promotion policy objectives for joint officers.                                   |
| 663. | Joint duty assignments after completion of joint professional military education. |
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| 666. | Reserve officers not on the active-duty list.                                     |
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#### AMENDMENTS

2008—Pub. L. 110-417, [div. A], title V, §522(a)(3), (c)(3), Oct. 14, 2008, 122 Stat. 4445, added items 661 and 665 and struck out former items 661 “Management policies for officers who are joint qualified” and 665 “Procedures for monitoring careers of joint officers”.

2006—Pub. L. 109-364, div. A, title V, §516(e)(2), Oct. 17, 2006, 120 Stat. 2189, substituted “officers who are joint qualified” for “joint specialty officers” in item 661.

2004—Pub. L. 108-375, div. A, title V, § 532(c)(2)(B), Oct. 28, 2004, 118 Stat. 1900, substituted “Joint duty assignments after completion of joint professional military education” for “Education” in item 663.

**§ 661. Management policies for joint qualified officers**

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) as a joint qualified officer or in such other manner as the Secretary of Defense directs.

(b) **LEVELS, DESIGNATION, AND NUMBERS.**—(1)(A) The Secretary of Defense shall establish different levels of joint qualification, as well as the criteria for qualification at each level. Such levels of joint qualification shall be established by the Secretary with the advice of the Chairman of the Joint Chiefs of Staff. Each level shall, as a minimum, have both joint education criteria and joint experience criteria. The purpose of establishing such qualification levels is to ensure a systematic, progressive, career-long development of officers in joint matters and to ensure that officers serving as general and flag officers have the requisite experience and education to be highly proficient in joint matters.

(B) The number of officers who are joint qualified shall be determined by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff. Such number shall be large enough to meet the requirements of subsection (d).

(2) Certain officers shall be designated as joint qualified by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

(3) An officer may be designated as joint qualified under paragraph (2) only if the officer—

(A) meets the education and experience criteria of subsection (c);

(B) meets such additional criteria as prescribed by the Secretary of Defense; and

(C) holds the grade of captain or, in the case of the Navy, lieutenant or a higher grade.

(4) The authority of the Secretary of Defense under paragraph (2) to designate officers as joint qualified may be delegated only to the Deputy Secretary of Defense or an Under Secretary of Defense.

(c) **EDUCATION AND EXPERIENCE REQUIREMENTS.**—(1) An officer may not be designated as joint qualified until the officer—

(A) successfully completes an appropriate program of joint professional military education, as described in subsections (b) and (c) of section 2155 of this title, at a joint professional military education school; and

(B) successfully completes—

(i) a full tour of duty in a joint assignment, as described in section 664(f) of this title; or

(ii) such other assignments and experiences in a manner that demonstrate the officer's mastery of knowledge, skills, and abilities

in joint matters, as determined under such regulations and policy as the Secretary of Defense may prescribe.

(2) Subject to paragraphs (3) through (6), the Secretary of Defense may waive the requirement under paragraph (1)(A) that an officer has successfully completed a program of education, as described in subsections (b) and (c) of section 2155 of this title.

(3) In the case of an officer in a grade below brigadier general or rear admiral (lower half), a waiver under paragraph (2) may be granted only if—

(A) the officer has completed two full tours of duty in a joint duty assignment, as described in section 664(f) of this title, in such a manner as to demonstrate the officer's mastery of knowledge, skills, and abilities on joint matters; and

(B) the Secretary of Defense determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for service as a general or flag officer in a joint duty assignment position.

(4) In the case of a general or flag officer, a waiver under paragraph (2) may be granted only—

(A) under unusual circumstances justifying the variation from the education requirement under paragraph (1)(A); and

(B) under circumstances in which the waiver is necessary to meet a critical need of the armed forces, as determined by the Chairman of the Joint Chiefs of Staff.

(5) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under paragraph (2) for officers in the same pay grade during a fiscal year may not exceed 10 percent of the total number of officers in that pay grade designated as joint qualified during that fiscal year.

(6) There may not be more than 32 general and flag officers on active duty at the same time who, while holding a general or flag officer position, were designated joint qualified (or were selected for the joint specialty before October 1, 2007) and for whom a waiver was granted under paragraph (2).

(d) **NUMBER OF JOINT DUTY ASSIGNMENTS.**—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the appropriate level of joint qualification.

(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

(3)(A) Subject to subparagraph (B), a position designated under paragraph (2) may be held only by an officer who—

(i) was designated as joint qualified in accordance with this chapter; or

(ii) was selected for the joint specialty before October 1, 2007.

(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (2). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.

(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers to achieve joint qualification and for officers who have been designated as joint qualified. Such guidelines shall include guidelines for—

- (1) selection;
- (2) military education;
- (3) training;
- (4) types of duty assignments; and
- (5) such other matters as the Secretary considers appropriate.

(f) TREATMENT OF CERTAIN SERVICE.—Any service by an officer in the grade of captain or, in the case of the Navy, lieutenant in a joint duty assignment shall be considered to be service in a joint duty assignment for purposes of all laws (including section 619a of this title) establishing a requirement or condition with respect to an officer's service in a joint duty assignment.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1025; amended Pub. L. 100-180, div. A, title XIII, § 1301-1302(b), Dec. 4, 1987, 101 Stat. 1168, 1169; Pub. L. 100-456, div. A, title V, §§ 511, 512(a), 517(a), 518, Sept. 29, 1988, 102 Stat. 1968, 1971; Pub. L. 101-189, div. A, title XI, §§ 1113, 1122, Nov. 29, 1989, 103 Stat. 1554, 1556; Pub. L. 104-106, div. A, title V, § 501(a), (d), title XV, § 1503(a)(6), Feb. 10, 1996, 110 Stat. 290, 292, 511; Pub. L. 107-107, div. A, title V, § 521(a), Dec. 28, 2001, 115 Stat. 1097; Pub. L. 107-314, div. A, title V, § 502(c), title X, § 1062(a)(3), Dec. 2, 2002, 116 Stat. 2530, 2649; Pub. L. 109-364, div. A, title V, § 516(a)-(e)(1), Oct. 17, 2006, 120 Stat. 2187-2189; Pub. L. 110-417, [div. A], title V, § 522(a)(1), (2), Oct. 14, 2008, 122 Stat. 4444, 4445.)

#### AMENDMENTS

2008—Pub. L. 110-417 amended section catchline generally, substituting “Management policies for joint qualified officers” for “Management policies for officers who are joint qualified”, and in subsec. (a), substituted “as a joint qualified officer or in such other manner as the Secretary of Defense directs” for “in such manner as the Secretary of Defense directs”.

2006—Pub. L. 109-364, § 516(e)(1), substituted “officers who are joint qualified” for “joint specialty officers” in section catchline.

Subsec. (a). Pub. L. 109-364, § 516(a), struck out at end “For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as having, or having been nominated for, the ‘joint specialty’.”

Subsecs. (b) to (d). Pub. L. 109-364, § 516(b), amended subsecs. (b) to (d) generally. Prior to amendment, subsecs. (b) to (d) related to numbers and selection of officers with the joint specialty, education and experience requirements, and number of joint duty assignments.

Subsec. (e). Pub. L. 109-364, § 516(c), substituted “officers to achieve joint qualification and for officers who have been designated as joint qualified” for “officers with the joint specialty” in introductory provisions.

Subsec. (f). Pub. L. 109-364, § 516(d), substituted “619a” for “619(e)(1)”.

2002—Subsec. (b)(2). Pub. L. 107-314, § 1062(a)(3), substituted “December 28, 2001,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002”.

Subsec. (c)(3)(E). Pub. L. 107-314, § 502(c), substituted “paragraph” for “subparagraph”.

2001—Subsec. (b)(2). Pub. L. 107-107, in introductory provisions, substituted “Each officer on the active-duty list on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 who has not before that date been nominated for the joint specialty by the Secretary of a military department, and each officer who is placed on the active-duty list after such date, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—” for “The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—”.

1996—Subsec. (c)(3)(D). Pub. L. 104-106, § 501(d)(1), in third sentence, substituted “In the case of officers in grades below brigadier general and rear admiral (lower half), the total number” for “The total number”.

Subsec. (c)(3)(E). Pub. L. 104-106, § 501(d)(2), added subpar. (E).

Subsec. (d)(2)(A). Pub. L. 104-106, § 501(a), substituted “800” for “1,000”.

Subsec. (d)(2)(B). Pub. L. 104-106, § 1503(a)(6)(A), substituted “Each position designated by the Secretary under subparagraph (A)” for “Until January 1, 1994, at least 80 percent of the positions designated by the Secretary under subparagraph (A) shall be held at all times by officers who have the joint specialty. On and after January 1, 1994, each position so designated”.

Subsec. (d)(2)(C). Pub. L. 104-106, § 1503(a)(6)(B), struck out “the second sentence of” after “the requirement in”.

Subsec. (d)(2)(D). Pub. L. 104-106, § 1503(a)(6)(C), struck out subpar. (D) which read as follows: “During the period beginning on October 1, 1992, and ending on January 1, 1993, the Secretary of Defense shall submit to Congress a report on the operation, to the date of the report, of the first sentence of subparagraph (B) and on the Secretary's projection for the use of the waiver authority provided under subparagraph (C), including the Secretary's estimate of the average annual number of waivers to be provided under subparagraph (C).”

1989—Subsec. (c)(1)(B), (3)(A). Pub. L. 101-189, § 1113, substituted “(as described in section 664(f) of this title (other than in paragraph (2) thereof))” for “(as described in section 664(f)(1) or (f)(3) of this title)”.

Subsec. (c)(4). Pub. L. 101-189, § 1122, added par. (4).

1988—Subsec. (c)(3)(D). Pub. L. 100-456, § 511, inserted “for officers in the same pay grade” after “under this paragraph”, substituted “10 percent” for “5 percent”, and inserted “in that pay grade” after “numbers of officers”.

Subsec. (d)(2). Pub. L. 100-456, § 512(a), designated existing provisions as subpar. (A), struck out sentence at end which directed that each position so designated by the Secretary could be held only by an officer who had the joint specialty, and added subpars. (B) to (D).

Subsec. (d)(4). Pub. L. 100-456, § 517(a), substituted “25 percent” for “one-third”.

Subsec. (f). Pub. L. 100-456, § 518, added subsec. (f).

1987—Subsec. (b)(3). Pub. L. 100-180, § 1301(a)(1), added par. (3).

Subsec. (c)(1)(B). Pub. L. 100-180, §1301(b)(1), inserted “(as described in section 664(f)(1) or (f)(3) of this title)” after “joint duty assignment”.

Subsec. (c)(2)(A). Pub. L. 100-180, §1301(b)(2)(A)–(C), designated existing provisions as subpar. (A), substituted “An officer (other than a general or flag officer) who has a military occupational specialty that is” for “An officer who has” and “full tour of duty in a joint duty assignment (as described in section 664(f)(2) of this title)” for “joint duty assignment of not less than two years”, and struck out provisions that an officer selected for the joint specialty complete generally applicable requirements for selection under par. (1)(B) as soon as practicable after such officer’s selection.

Subsec. (c)(2)(B). Pub. L. 100-180, §1301(b)(2)(D), added subpar. (B).

Subsec. (c)(3). Pub. L. 100-180, §1301(b)(3), added par. (3).

Subsec. (d)(1). Pub. L. 100-180, §1302(a)(1), added subpars. (A) and (B) and substituted “by officers who—” for “by officers who have (or have been nominated for) the joint specialty.” in introductory provisions.

Subsec. (d)(2) to (4). Pub. L. 100-180, §1302(b), added pars. (2) to (4) and struck out former par. (2) which read as follows: “The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by an officer with the joint specialty.”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, §516(f), Oct. 17, 2006, 120 Stat. 2189, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 2007.”

#### TREATMENT OF CURRENT JOINT SPECIALTY OFFICERS

Pub. L. 109-364, div. A, title V, §516(g), Oct. 17, 2006, 120 Stat. 2189, provided that: “For the purposes of chapter 38 of title 10, United States Code, and sections 154, 164, and 619a of such title, an officer who, as of September 30, 2007, has been selected for or has the joint specialty under section 661 of such title, as in effect on that date, shall be considered after that date to be an officer designated as joint qualified by the Secretary of Defense under section 661(b)(2) of such title, as amended by this section.”

#### IMPLEMENTATION PLAN

Pub. L. 109-364, div. A, title V, §516(h), Oct. 17, 2006, 120 Stat. 2189, provided that:

“(1) **PLAN REQUIRED.**—Not later than March 31, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the implementation of the joint officer management system, which will take effect on October 1, 2007, as provided in subsection (f) [set out above], as a result of the amendments made by this section [amending this section] and other provisions of this Act [see Tables for classification] to provisions of chapter 38 of title 10, United States Code.

“(2) **ELEMENTS OF PLAN.**—In developing the plan required by this subsection, the Secretary shall pay particular attention to matters related to the transition of officers from the joint specialty system in effect before October 1, 2007, to the joint officer management system in effect after that date. At a minimum, the plan shall include the following:

“(A) The policies and criteria to be used for designating officers as joint qualified on the basis of service performed by such officers before that date, had the amendments made by this section and other provisions of this Act to provisions of chapter 38 of title 10, United States Code, taken effect before the date of the enactment of this Act [Oct. 17, 2006].

“(B) The policies and criteria prescribed by the Secretary of Defense to be used in making determinations under section 661(c)(1)(B)(ii) of such title, as amended by this section.

“(C) The recommendations of the Secretary for any legislative changes that may be necessary to effectuate the joint officer management system.”

#### EXCLUSION OF CERTAIN OFFICERS FROM LIMITATION ON AUTHORITY TO GRANT A WAIVER OF REQUIRED COMPLETION OR SEQUENCING FOR JOINT PROFESSIONAL MILITARY EDUCATION

Pub. L. 107-314, div. A, title V, §502(a), (b), Dec. 2, 2002, 116 Stat. 2530, provided for exclusion from the limitation set forth in former subsec. (c)(3)(D) of this section of any officer selected for the joint specialty who, on Dec. 28, 2001, had met the requirements for nomination for the joint specialty, but had not been nominated before that date, and who had been automatically nominated before Dec. 2, 2002, and provided that such exclusion would terminate on Oct. 1, 2006.

#### INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND JOINT PROFESSIONAL MILITARY EDUCATION REFORMS

Pub. L. 107-107, div. A, title V, §526, Dec. 28, 2001, 115 Stat. 1099, directed the Secretary of Defense to provide for an independent study of the joint officer management system and the joint professional military education system and to require the entity conducting the study to submit a report to Congress on the study not later than one year after Dec. 28, 2001.

#### STUDY OF DISTRIBUTION OF GENERAL AND FLAG OFFICER POSITIONS IN JOINT DUTY ASSIGNMENTS

Pub. L. 102-484, div. A, title IV, §404, Oct. 23, 1992, 106 Stat. 2398, directed Secretary of Defense to conduct a study of whether joint organizations of Department of Defense are fully staffed with appropriate number of general and flag officers and, not later than one year after Oct. 23, 1992, submit a report to Congress.

#### TRANSITION TO JOINT OFFICER PERSONNEL POLICY

Section 406(a)–(c) of Pub. L. 99-433, as amended by Pub. L. 100-456, div. A, title V, §516, Sept. 29, 1988, 102 Stat. 1971, provided that:

“(a) **JOINT DUTY ASSIGNMENTS.**—(1) Section 661(d) of title 10, United States Code, shall be implemented as rapidly as possible and (except as provided under paragraph (2)) not later than October 1, 1989.

“(2) The first sentence of section 661(d)(2)(B) of such title shall apply with respect to positions designated under the first sentence of section 661(d)(2)(A) of that title as critical joint duty assignment positions which become vacant after January 1, 1989.

“(b) **JOINT SPECIALTY.**—

“(1) **INITIAL SELECTIONS.**—(A) In making the initial selections of officers for the joint specialty under section 661 of title 10, United States Code (as added by section 401 of this Act), the Secretary of Defense may waive the requirement of either subparagraph (A) or (B) (but not both) of subsection (c)(1) of such section in the case of any officer in a grade above captain or, in the case of the Navy, lieutenant.

“(B) In applying such subparagraph (B) to the initial selections of officers for the joint specialty, the Secretary may in the case of any officer—

“(i) waive the requirement that a joint duty assignment be served after the officer has completed an appropriate program at a joint professional military education school;

“(ii) waive the requirement for the length of a joint duty assignment in the case of a joint duty assignment begun by an officer before January 1, 1987, if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986; or

“(iii) consider as a joint duty assignment any tour of duty begun by an officer before October 1, 1986, that involved significant experience in joint matters (as determined by the Secretary) if the of-

ficer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for his service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

“(C) A waiver under subparagraph (A) of this paragraph or under any provision of subparagraph (B) of this paragraph may only be made on a case-by-case basis.

“(D) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) or (B) of this paragraph may be delegated only to the Deputy Secretary of Defense.

“(2) REQUIREMENT FOR HIGH STANDARDS.—In exercising the authority provided by paragraph (1), the Secretary of Defense shall ensure that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

“(3) SUNSET.—The authority provided by paragraph (1) shall expire on October 1, 1989.

“(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title (as added by section 401) shall be established not later than the end of the eight-month period beginning on the date of the enactment of this Act [Oct. 1, 1986]. The provisions of section 665(b) of such title shall be implemented not later than the end of such period.”

#### § 662. Promotion policy objectives for joint officers

(a) QUALIFICATIONS.—The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—

(1) officers who are serving on, or have served on, the Joint Staff are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

(2) officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who have been designated as a joint qualified officer are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

(b) ANNUAL REPORT.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year of officers who are serving in, or have served in, joint duty assignments or on the Joint Staff, and officers who have been designated as a joint qualified officer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain), especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a). If such promotion rates fail to meet such objectives for any fiscal year, the Secretary shall include in the report for that fiscal year information on such failure and on what action the Secretary has taken or plans to take to prevent further failures.

(Added Pub. L. 99-433, title IV, §401(a), Oct. 1, 1986, 100 Stat. 1026; amended Pub. L. 100-456, div.

A, title V, §513, Sept. 29, 1988, 102 Stat. 1969; Pub. L. 101-510, div. A, title XIII, §1311(3), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 104-201, div. A, title V, §510, Sept. 23, 1996, 110 Stat. 2514; Pub. L. 107-107, div. A, title V, §521(b), Dec. 28, 2001, 115 Stat. 1097; Pub. L. 107-314, div. A, title X, §1062(a)(4), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-375, div. A, title V, §535, Oct. 28, 2004, 118 Stat. 1901; Pub. L. 109-364, div. A, title V, §517, Oct. 17, 2006, 120 Stat. 2190; Pub. L. 110-181, div. A, title X, §1063(a)(3), Jan. 28, 2008, 122 Stat. 321; Pub. L. 110-417, [div. A], title V, §523, Oct. 14, 2008, 122 Stat. 4446; Pub. L. 111-84, div. A, title X, §1073(c)(2), Oct. 28, 2009, 123 Stat. 2474.)

#### AMENDMENTS

2009—Subsec. (a)(2). Pub. L. 111-84 made technical amendment to directory language of Pub. L. 110-417, §523(1). See 2008 Amendment note below.

2008—Subsec. (a)(2). Pub. L. 110-417, §523(1), as amended by Pub. L. 111-84, substituted “officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who have been designated as a joint qualified officer” for “officers who are serving in or have served in joint duty assignments”.

Subsec. (b). Pub. L. 110-417, §523(2), inserted “or on the Joint Staff, and officers who have been designated as a joint qualified officer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain)” after “joint duty assignments”.

Pub. L. 110-181 substituted “paragraphs (1) and (2) of subsection (a)” for “paragraphs (1), (2), and (3) of subsection (a)”.

2006—Subsec. (a). Pub. L. 109-364 inserted “and” at end of par. (1), added par. (2), and struck out former pars. (2) and (3) which read as follows:

“(2) officers who have the joint specialty are expected, as a group, to be promoted—

“(A) during the period beginning on December 28, 2001, and ending on December 27, 2006, at a rate not less than the rate for officers of the same armed force in the same grade and competitive category; and

“(B) after December 27, 2006, at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

“(3) officers who are serving in, or have served in, joint duty assignments (other than officers covered in paragraphs (1) and (2)) are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.”

2004—Subsec. (a)(2). Pub. L. 108-375 substituted “December 27, 2006” for “December 27, 2004” in two places.

2002—Subsec. (a)(2)(A). Pub. L. 107-314, §1062(a)(4)(A), substituted “during the period beginning on December 28, 2001, and ending on December 27, 2004,” for “during the three-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002.”

Subsec. (a)(2)(B). Pub. L. 107-314, §1062(a)(4)(B), substituted “after December 27, 2004” for “after the end of the period specified in subparagraph (A)”.

2001—Subsec. (a)(2). Pub. L. 107-107 substituted “promoted—” for “promoted at a rate”, added subpar. (A), designated “not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and” as subpar. (B), and inserted “after the end of the period specified in subparagraph (A), at a rate” after subpar. (B) designation.

1996—Subsec. (b). Pub. L. 104-201, §510(b), in first sentence, substituted “paragraphs” for “clauses” and, in second sentence, inserted “for any fiscal year” after “such objectives” and substituted “report for that fis-

cal year” for “periodic report required by this subsection”.

Pub. L. 104-201, § 510(a), substituted “Annual Report” for “Report” in heading and “Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year” for “The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates” in text.

1990—Subsec. (b). Pub. L. 101-510 substituted “the Secretary shall include in the periodic report required by this subsection information on such failure and on” for “the Secretary shall immediately notify Congress of such failure and of”.

1988—Subsec. (a)(1), (3). Pub. L. 100-456 inserted “to the next higher grade” after “promoted”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(2) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

### § 663. Joint duty assignments after completion of joint professional military education

(a) **JOINT QUALIFIED OFFICERS.**—The Secretary of Defense shall ensure that each officer designated as a joint qualified officer who graduates from a school within the National Defense University specified in subsection (c) shall be assigned to a joint duty assignment for that officer’s next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

(b) **OTHER OFFICERS.**—(1) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a school within the National Defense University specified in subsection (c) who are not designated as a joint qualified officer shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in paragraph (2), as their second duty assignment after such graduation.

(2) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in paragraph (1) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a school referred to in paragraph (1).

(c) **COVERED SCHOOLS WITHIN THE NATIONAL DEFENSE UNIVERSITY.**—For purposes of this section, a school within the National Defense University specified in this subsection is one of the following:

(1) The National War College.

(2) The Industrial College of the Armed Forces.

(3) The Joint Forces Staff College.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1027; amended Pub. L. 101-189, div. A, title XI, § 1123(c)(1), Nov. 29, 1989, 103 Stat. 1557; Pub. L. 102-190, div. A, title IX, § 912(a), Dec. 5, 1991, 105 Stat. 1452; Pub. L. 103-160, div. A, title IX, § 933(a), Nov. 30, 1993, 107 Stat. 1735; Pub. L. 107-107, div. A, title X, § 1048(a)(6), Dec. 28, 2001, 115 Stat. 1223; Pub. L. 107-314, div. A, title

X, § 1062(a)(5), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-375, div. A, title V, § 532(b)–(c)(2)(A), Oct. 28, 2004, 118 Stat. 1900; Pub. L. 109-364, div. A, title V, § 518, Oct. 17, 2006, 120 Stat. 2190; Pub. L. 110-417, [div. A], title V, § 522(b), Oct. 14, 2008, 122 Stat. 4445.)

#### AMENDMENTS

2008—Subsecs. (a), (b)(1). Pub. L. 110-417, in subsec. (a), substituted “Qualified” for “Specialty” in heading and “designated as a joint qualified officer” for “with the joint specialty” in text, and, in subsec. (b)(1), substituted “are not designated as a joint qualified officer” for “do not have the joint specialty”.

2006—Subsecs. (a), (b)(1). Pub. L. 109-364, § 518(a)(1), (2)(A), substituted “a school within the National Defense University specified in subsection (c)” for “a joint professional military education school”.

Subsec. (b)(2). Pub. L. 109-364, § 518(a)(2)(B), substituted “a school referred to in paragraph (1)” for “a joint professional military education school”.

Subsec. (c). Pub. L. 109-364, § 518(b), added subsec. (c). 2004—Pub. L. 108-375, § 532(c)(2)(A), substituted “Joint duty assignments after completion of joint professional military education” for “Education” in section catchline.

Subsec. (a). Pub. L. 108-375, § 532(c)(1)(A), (B), redesignated subsec. (d)(1) as (a), inserted heading, and struck out heading and text of former subsec. (a) which related to capstone course for new general and flag officers. See section 2153 of this title.

Subsec. (b). Pub. L. 108-375, § 532(c)(1)(C)–(F), redesignated subsec. (d)(2)(A) as (b)(1) and substituted “in paragraph (2)” for “in subparagraph (B)”, redesignated subsec. (d)(2)(B) as (b)(2) and substituted “in paragraph (1)” for “in subparagraph (A)”, and inserted subsec. heading.

Pub. L. 108-375, § 532(b), transferred subsec. (b), relating to joint military education schools, to section 2152(b) of this title.

Subsec. (c). Pub. L. 108-375, § 532(b), transferred subsec. (c), relating to other professional military education schools, to section 2152(c) of this title.

Subsec. (d). Pub. L. 108-375, § 532(c)(1)(B), (C), (E), redesignated par. (1) as subsec. (a), redesignated subpars. (A) and (B) of par. (2) as pars. (1) and (2), respectively, of subsec. (b), and struck out heading “Post-Education Joint Duty Assignments”.

Subsec. (e). Pub. L. 108-375, § 532(c)(1)(A), struck out heading and text of subsec. (e) which related to the duration of the principal course of instruction offered at the Joint Forces Staff College. See section 2156 of this title.

2002—Subsec. (e)(2). Pub. L. 107-314 substituted “Joint Forces Staff College” for “Armed Forces Staff College”.

2001—Subsec. (e). Pub. L. 107-107 substituted “Joint Forces Staff College” for “Armed Forces Staff College” in subsec. heading and in text of par. (1).

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “POST-EDUCATION DUTY ASSIGNMENTS.—The Secretary of Defense shall ensure that—

“(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer’s next duty assignment; and

“(2) a high proportion (which shall be greater than 50 percent) of the other officers graduating from a joint professional military education school also receive assignments to a joint duty assignment as their next duty assignment.”

1991—Subsec. (e). Pub. L. 102-190 designated existing provisions as par. (1) and added par. (2).

1989—Subsec. (e). Pub. L. 101-189 added subsec. (e).

#### EFFECTIVE DATE OF 1993 AMENDMENT

Section 933(b) of Pub. L. 103-160 provided that: “The amendments made by subsection (a) [amending this

section] shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act [Nov. 30, 1993].”

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title IX, §912(b), Dec. 5, 1991, 105 Stat. 1452, as amended by Pub. L. 102-484, div. A, title IX, §921, Oct. 23, 1992, 106 Stat. 2473, provided that the amendment made by section 912(a)(2) of Pub. L. 102-190 to this section was not to apply with respect to the Armed Forces Staff College until Jan. 1, 1994.

#### IMPLEMENTATION OF SUBSECTION (e)

Section 1123(c)(2) of Pub. L. 101-189 provided that: “Subsection (e) of such section, as added by paragraph (1), shall be implemented by the Secretary of Defense not later than two years after the date of the enactment of this Act [Nov. 29, 1989].”

#### EDUCATION REQUIREMENTS; JOINT OFFICER MANAGEMENT PROGRAM

Pub. L. 99-433, title IV, §406(d), Oct. 1, 1986, 100 Stat. 1033, provided that:

“(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title [10 U.S.C. 663(a)] (as added by section 401) shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act [Oct. 1, 1986].

“(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

“(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

“(3) POST-EDUCATION DUTY ASSIGNMENTS.—Subsection (d) of such section shall take effect with respect to classes graduating from joint professional military education schools after January 1987.”

### § 664. Length of joint duty assignments

(a) GENERAL RULE.—The length of a joint duty assignment—

(1) for general and flag officers shall be not less than two years; and

(2) for other officers shall be not less than three years.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer.

(c) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—The Secretary may for purposes of section 661(c)(1)(B) of this title authorize a joint duty assignment of less than the period prescribed by subsection (a), but not less than two years, without the requirement for a waiver under subsection (b) in the case of an officer—

(1) who has a military occupational specialty designated under section 668(d) of this title as a critical occupational specialty; and

(2) for whom such joint duty assignment is the initial joint duty assignment.

(d) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of Defense may exclude the following service from the standards prescribed in subsection (a):

(1) Service in a joint duty assignment in which the full tour of duty in the assignment is not completed by the officer because of—

(A) retirement;

(B) release from active duty;

(C) suspension from duty under section 155(f)(2) or 164(g) of this title; or

(D) a qualifying reassignment from a joint duty assignment—

(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

(ii) to another joint duty assignment immediately after—

(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

(II) the officer's position was eliminated in a reorganization.

(2) Service in a joint duty assignment outside the United States or in Alaska or Hawaii which is less than the applicable standard prescribed in subsection (a).

(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).

(e) AVERAGE TOUR LENGTHS.—(1) The Secretary shall ensure that the average length of joint duty assignments during any fiscal year, measured by the lengths of the joint duty assignments ending during that fiscal year, meets the standards prescribed in subsection (a).

(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

(A) Service described in subsection (c).

(B) Service described in subsection (d).

(C) Service described in subsection (f)(6).

(f) FULL TOUR OF DUTY.—An officer shall be considered to have completed a full tour of duty in a joint duty assignment upon completion of any of the following:

(1) A joint duty assignment that meets the standards prescribed in subsection (a).

(2) A joint duty assignment under the circumstances described in subsection (c).

(3) Accrued joint experience in joint duty assignments as described in subsection (g).

(4) A joint duty assignment outside the United States or in Alaska or Hawaii for which the normal accompanied-by-dependents tour of duty is prescribed by regulation to be at least two years in length, if the officer serves in the assignment for a period equivalent to the accompanied-by-dependents tour length.

(5) A joint duty assignment with respect to which the Secretary of Defense has granted a waiver under subsection (b), but only in a case in which the Secretary determines that the service completed by that officer in that duty assignment shall be considered to be a full tour of duty in a joint duty assignment.

(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.

(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.

(h) CONSTRUCTIVE CREDIT.—(1) The Secretary of Defense may accord constructive credit in the case of an officer (other than a general or flag officer) who, for reasons of military necessity, is reassigned from a joint duty assignment within 60 days of meeting the tour length criteria prescribed in paragraphs (1), (2), and (4) of subsection (f). The amount of constructive service that may be credited to such officer shall be the amount sufficient for the completion of the applicable tour of duty requirement, but in no case more than 60 days.

(2) For the purpose of computing under subsection (e) the average length of joint duty assignments during a fiscal year, the amount of any constructive service credited under this subsection with respect to a joint duty assignment to be counted in that computation shall be excluded.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1028; amended Pub. L. 100-180, div. A, title XIII, § 1303(a), Dec. 4, 1987, 101 Stat. 1170; Pub. L. 100-456, div. A, title V, §§ 514, 517(b), Sept. 29, 1988, 102 Stat. 1969, 1971; Pub. L. 104-106, div. A, title V, § 501(b), (e), (f), Feb. 10, 1996, 110 Stat. 290, 292; Pub. L. 106-65, div. A, title X, § 1066(a)(5), Oct. 5, 1999, 113 Stat. 770; Pub. L. 107-107, div. A, title V, § 522, Dec. 28, 2001, 115 Stat. 1097; Pub. L. 109-364, div. A, title V, § 519(d)(1), Oct. 17, 2006, 120 Stat. 2191; Pub. L. 110-417, [div. A], title V, § 524, Oct. 14, 2008, 122 Stat. 4446.)

#### AMENDMENTS

2008—Subsec. (d)(1)(D). Pub. L. 110-417, § 524(a)(1), added subpar. (D) and struck out former subpar. (D) which read as follows: “a qualifying reassignment (as described in subsection (g)(4)).”

Subsec. (d)(3). Pub. L. 110-417, § 524(a)(2), added par. (3) and struck out former par. (3) which read as follows: “Service in a joint duty assignment in a case in which—

“(A) the officer’s tour of duty in that assignment brings the officer’s cumulative service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a); and

“(B) the length of time served in that assignment (in any case other than an assignment which is described in subsection (g)(4)(B)) was not less than two years.”

Subsec. (e)(2). Pub. L. 110-417, § 524(b), added par. (2) and struck out former par. (2) which read as follows: “In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

“(A) Service described in subsection (c), except that not more than 12½ percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.

“(B) Service described in subsection (d).

“(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.”

Subsec. (f). Pub. L. 110-417, § 524(c), in par. (3) substituted “Accrued joint experience” for “Cumulative service”, in par. (4) struck out “(except that not more than 6 percent of all joint duty assignments may be considered to be under this paragraph at any time)” before period at end, added par. (6), and struck out former par. (6) which read as follows “A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).”

Subsec. (g). Pub. L. 110-417, § 524(d), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to cumulative service of an officer in joint duty assignments.

Subsec. (h). Pub. L. 110-417, § 524(e), substituted “paragraphs (1), (2), and (4) of subsection (f)” for “subsection (f)(1), (f)(2), (f)(4), or (g)(2)” in par. (1) and struck out par. (3) which read as follows: “This subsection shall not apply in the case of an officer who serves less than 10 months in the joint duty assignment.”

Subsec. (i). Pub. L. 110-417, § 524(f), struck out subsec. (i) which related to joint duty credit for certain joint task force assignments.

2006—Subsec. (c). Pub. L. 109-364, in introductory provisions, substituted “661(c)(1)(B)” for “661(c)(2)”, redesignated pars. (2) and (3) as (1) and (2), respectively, in par. (1), substituted “668(d)” for “661(c)(2)”, and struck out former par. (1) which read as follows: “who is nominated for the joint specialty;”

2001—Subsec. (i)(4)(E). Pub. L. 107-107, § 522(1), substituted “Except as provided in subparagraph (F), the joint task force” for “The joint task force”.

Subsec. (i)(4)(F). Pub. L. 107-107, § 522(2), added subpar. (F).

1999—Subsec. (i)(2)(A). Pub. L. 106-65 substituted “February 10, 1996” for “the date of the enactment of this subsection” in introductory provisions.

1996—Subsec. (e)(1). Pub. L. 104-106, § 501(f), struck out “(after fiscal year 1990)” after “any fiscal year”.

Subsec. (e)(2)(C). Pub. L. 104-106, § 501(e)(1), added subpar. (E).

Subsec. (f). Pub. L. 104-106, § 501(e)(2)(A), substituted “completion of any of the following:” for “completion of—” in introductory provisions.

Subsec. (f)(1). Pub. L. 104-106, § 501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “subsection (a).” for “subsection (a);”.

Subsec. (f)(2). Pub. L. 104-106, § 501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “subsection (c).” for “subsection (c);”.

Subsec. (f)(3). Pub. L. 104-106, § 501(e)(2)(C), (D), substituted “Cumulative” for “cumulative” and “subsection (g).” for “subsection (g);”.

Subsec. (f)(4). Pub. L. 104-106, § 501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “any time.” for “any time; or”.

Subsec. (f)(5). Pub. L. 104-106, § 501(e)(2)(B), substituted “A joint duty” for “a joint duty”.

Subsec. (f)(6). Pub. L. 104-106, § 501(e)(2)(E), added par. (6).

Subsec. (i). Pub. L. 104-106, § 501(b), added subsec. (i). 1988—Subsec. (a)(1). Pub. L. 100-456, § 514(1)(A), substituted “two years” for “three years”.

Subsec. (a)(2). Pub. L. 100-456, § 514(1)(B), substituted “three years” for “three and one-half years”.

Subsec. (c)(1). Pub. L. 100-456, § 514(2), substituted “is” for “has been” and struck out “before such assignment begins” after “specialty”.

Subsec. (d)(2). Pub. L. 100-456, § 514(3), inserted “which is less than the applicable standard prescribed in subsection (a)” after “Hawaii”.

Subsec. (e)(2)(A). Pub. L. 100-456, § 517(b), substituted “12½ percent” for “10 percent”.

Subsec. (f)(4), (5). Pub. L. 100-456, § 514(4), added pars. (4) and (5).

Subsec. (g)(3). Pub. L. 100-456, § 514(5), substituted “shall be excluded if the officer served less than 10 months in that assignment” for “shall be excluded—



“(A) if the officer served less than 10 months in that assignment; and

“(B) to the extent that the assignment was served more than eight years before the date of computation of the cumulative service.”

Subsec. (h). Pub. L. 100-456, § 514(6), added subsec. (h). 1987—Subsec. (b). Pub. L. 100-180 added subsec. (b) and struck out former subsec. (b) which read as follows: “The Secretary of Defense may waive subsection (a) in the case of any officer, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.”

Subsec. (c). Pub. L. 100-180 added subsec. (c) and struck out former subsec. (c), “Certain officers with critical combat operations skills”, which read as follows: “Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Such an assignment may not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).”

Subsec. (d). Pub. L. 100-180 added subsec. (d) and struck out former subsec. (d), “Exception”, which read as follows:

“(1) Subsection (a) does not apply in the case of an officer who fails to complete a joint duty assignment as the result of—

“(A) retirement;

“(B) separation from active duty; or

“(C) suspension from duty under section 155(f)(2) or 164(g) of this title.

“(2) In computing the average length of joint duty assignments for purposes of this section, the Secretary of Defense shall exclude joint duty assignments not completed because of a reason specified in paragraph (1).”

Subsecs. (e) to (g). Pub. L. 100-180 added subsecs. (e) to (g).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, § 519(e), Oct. 17, 2006, 120 Stat. 2191, provided that: “The amendments made by this section [amending this section and sections 667 and 668 of this title] shall take effect on October 1, 2007.”

#### RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES

Pub. L. 107-107, div. A, title V, § 523, Dec. 28, 2001, 115 Stat. 1097, provided that, in accordance with subsec. (i) of this section, the Secretary of Defense was authorized to award joint service credit to any officer who served on the staff of a United States joint task force headquarters in certain operations and during certain periods, and the Secretary was required to submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit not later than one year after Dec. 28, 2001.

#### JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM

Pub. L. 103-160, div. A, title IX, § 932, Nov. 30, 1993, 107 Stat. 1735, provided extension of authority until the end of the 90-day period beginning on Nov. 30, 1993, to give certain officers joint duty credit pursuant to Pub. L. 102-484, § 933, formerly set out below.

Pub. L. 102-484, div. A, title IX, § 933, Oct. 23, 1992, 106 Stat. 2476, as amended by Pub. L. 103-35, title II, § 202(a)(9), May 31, 1993, 107 Stat. 101; Pub. L. 103-160, div. A, title IX, § 932(c)(1), Nov. 30, 1993, 107 Stat. 1735, temporarily authorized the Secretary of Defense to give an officer who had completed service during the period beginning on Aug. 2, 1990, and ending on Feb. 28, 1991, in an assignment in the Persian Gulf combat zone, credit, on a case-by-case basis, for having completed a full tour of duty in a joint duty assignment, or credit countable for determining cumulative service in joint duty assignments, for the purposes of any provision of this title, notwithstanding the length of such service or

whether that service had been within the definition of “joint duty assignment” in section 668 of this title, and provided that such authority would expire at the end of the six-month period beginning on Oct. 23, 1992.

#### LENGTH OF JOINT DUTY ASSIGNMENTS

Section 406(e) of Pub. L. 99-433 provided that: “Subsection (a) of section 664 of title 10, United States Code (as added by section 401), shall apply to officers assigned to joint duty assignments after the end of the 90-day period beginning on the date of the enactment of this Act [Oct. 1, 1986]. In computing an average under subsection (b) of such section, only joint duty assignments to which such subsection applies shall be considered.”

#### WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

For waiver of the requirements of this section for the length of a joint duty assignment, see section 532(c) of Pub. L. 99-433, formerly set out as a note under section 3033 of this title.

### § 665. Procedures for monitoring careers of joint qualified officers

(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

(A) officers designated as a joint qualified officer; and

(B) other officers who serve in joint duty assignments.

(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

(b) FUNCTION OF JOINT STAFF.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

(1) monitor the promotions and career assignments of officers designated as a joint qualified officer and of other officers who have served in joint duty assignments; and

(2) otherwise advise the Chairman on joint personnel matters.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1028; amended Pub. L. 110-417, [div. A], title V, § 522(c)(1), (2), Oct. 14, 2008, 122 Stat. 4445.)

#### AMENDMENTS

2008—Pub. L. 110-417 in section catchline substituted “joint qualified officers” for “joint officers” and in subsecs. (a)(1)(A) and (b)(1) substituted “designated as a joint qualified officer” for “with the joint specialty”.

#### TRANSITION TO JOINT OFFICER PERSONNEL POLICY

Procedures under subsec. (a) of this section to be established not later than the end of the eight-month period beginning Oct. 1, 1986, and provisions of subsec. (b) of this section to be implemented not later than the end of such period, see section 406(c) of Pub. L. 99-433, set out as a note under section 661 of this title.

### § 666. Reserve officers not on the active-duty list

The Secretary of Defense shall establish personnel policies emphasizing education and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserve components, be similar to the policies provided by this chapter.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1028.)

#### TRANSITION TO JOINT OFFICER PERSONNEL POLICY

Personnel policies under this section to be established not later than the end of the eight-month period beginning Oct. 1, 1986, see section 406(c) of Pub. L. 99-433, set out as a note under section 661 of this title.

### § 667. Annual report to Congress

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

(1)(A) The number of officers designated as a joint qualified officer.

(B) The number of officers who meet the criteria for designation as a joint qualified officer, but were not selected, together with the reasons why.

(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.

(2) The number of officers designated as a joint qualified officer, shown by grade and branch or specialty and by education.

(3) The promotion rate for officers designated as a joint qualified officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

(4) The average length of tours of duty in joint duty assignments—

(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

(5) The number of times, in the case of each category of exclusion, that service in a joint duty assignment was excluded in computing the average length of joint duty assignments.

(6)(A) An analysis of the extent to which the Secretary of each military department is providing officers to fill that department's share (as determined by law or by the Secretary of Defense) of Joint Staff and other joint duty assignments, including the reason for any significant failure by a military department to fill its share of such positions and a discussion of the actions being taken to correct the shortfall.

(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the

Secretary of Defense under section 661(a) of this title.

(7) The number of times a waiver authority was exercised under this chapter (or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments) and in the case of each such authority—

(A) whether the authority was exercised for a general or flag officer;

(B) an analysis of the reasons for exercising the authority; and

(C) the number of times in which action was taken without exercise of the waiver authority compared with the number of times waiver authority was exercised (in the case of each waiver authority under this chapter or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments).

(8) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.

(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

(A) The Joint Forces Staff College.

(B) The National Defense University.

(C) Senior Service Schools.

(10) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and the performance of each military department in carrying out this chapter.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1029; amended Pub. L. 100-180, div. A, title XIII, § 1304(a), Dec. 4, 1987, 101 Stat. 1172; Pub. L. 100-456, div. A, title V, § 512(b), Sept. 29, 1988, 102 Stat. 1968; Pub. L. 101-189, div. A, title XI, § 1123(d), Nov. 29, 1989, 103 Stat. 1557; Pub. L. 104-106, div. A, title V, § 501(c), Feb. 10, 1996, 110 Stat. 292; Pub. L. 107-107, div. A, title V, § 524, title X, § 1048(a)(7), Dec. 28, 2001, 115 Stat. 1098, 1223; Pub. L. 109-364, div. A, title V, § 519(d)(2), Oct. 17, 2006, 120 Stat. 2191; Pub. L. 110-417, [div. A], title V, § 522(d), Oct. 14, 2008, 122 Stat. 4445; Pub. L. 111-84, div. A, title V, § 503, Oct. 28, 2009, 123 Stat. 2277.)

#### AMENDMENTS

2009—Par. (1). Pub. L. 111-84, § 503(1), struck out “and their education and experience” after “qualified officer” in subpar. (A) and added subpar. (C).

Pars. (3) to (13). Pub. L. 111-84, § 503(2)–(6), added par. (9), redesignated pars. (5), (7) to (11), and (13) as (3), (4) to (8), and (10), respectively, and struck out former pars. (3), (4), (6), and (12), which related to the number of officers on the active-duty list with a military occupational speciality designated as a critical occupational speciality, the number of officers designated as joint qualified officer, analysis of their assignments after the designation, and the officers selected to attend the Joint Forces Staff College principal course of instruction.

2008—Par. (1). Pub. L. 110-417, § 522(d)(1), substituted “designated as a joint qualified officer” for “selected for the joint specialty” in subpar. (A) and “designation as a joint qualified officer,” for “selection for the joint specialty” in subpar. (B).

Par. (2). Pub. L. 110-417, § 522(d)(2), substituted “designated as a joint qualified officer” for “with the joint specialty”.

Par. (3)(A), (B), (E). Pub. L. 110-417, § 522(d)(3), substituted “designated as a joint qualified officer” for “selected for the joint specialty”.

Par. (4). Pub. L. 110-417, § 522(d)(4), substituted “designated as a joint qualified officer” for “selected for the joint specialty” in subpar. (A), added subpar. (B), and struck out former subpar. (B) which read as follows: “a comparison of the number of officers who have the joint specialty who qualified for the joint specialty under section 661(c)(1) of this title with the number of officers who have the joint specialty who were selected for the joint specialty under section 661(c)(2) of this title.”

Pars. (5) to (18). Pub. L. 110-417, § 522(d)(5)–(7), added pars. (5), (6), and (11), redesignated former pars. (11), (12), (14), (15), (17), and (18) as (7) to (10), (12), and (13), respectively, and struck out former pars. (5) to (10), (13), and (16), which related to promotion rates for officers within the promotion zone who are serving on the Joint Staff, officers with the joint specialty, other officers serving in joint duty assignments, officers considered for promotion from below the promotion zone, officers considered for promotion from above the promotion zone, analysis of assignments after selection for the joint specialty, imbalances between officers serving in joint duty assignments or having the joint specialty and other officers, and the number of officers granted credit for service in joint duty assignments under section 664(i)(4)(E), (F) of this title.

2006—Par. (3). Pub. L. 109-364 substituted “668(d)” for “661(c)(2)” in introductory provisions.

2001—Par. (1). Pub. L. 107-107, § 524(1), designated existing provisions as subpar. (A) and added subpar. (B).

Par. (2). Pub. L. 107-107, § 524(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The military occupational specialties within each of the armed forces that have been designated as critical occupational specialties under section 661(c)(2) of this title, separately identifying those specialties for which there is a severe shortage of trained officers, together with an explanation of how those specialties meet the criteria for that designation in section 661(c)(2)(B) of this title.”

Par. (3)(A), (B). Pub. L. 107-107, § 524(3)(A), substituted “selected” for “nominated”.

Par. (3)(D). Pub. L. 107-107, § 524(3)(B), inserted “and” after semicolon at end.

Par. (3)(E), (F). Pub. L. 107-107, § 524(3)(C), (D), redesignated subpar. (F) as (E) and struck out former subpar. (E) which read as follows: “have been selected for the joint specialty; and”.

Par. (4)(A). Pub. L. 107-107, § 524(4), substituted “selected” for “nominated”.

Par. (14). Pub. L. 107-107, § 524(5), designated existing provisions as subpar. (A) and added subpar. (B).

Par. (16). Pub. L. 107-107, § 524(6), substituted “subparagraphs (E) and (F) of section 664(i)(4)” for “section 664(i)” in introductory provisions and in subpar. (B).

Par. (17). Pub. L. 107-107, § 1048(a)(7), substituted “Joint Forces Staff College” for “Armed Forces Staff College” in introductory provisions and in subpar. (B).

1996—Par. (16). Pub. L. 104-106 added par. (16) and struck out former par. (16) which read as follows: “During the period of the applicability of the first sentence of subparagraph (B) of section 661(d)(2) of this title, information on critical positions not filled by officers with the joint specialty, including—

“(A) a listing by organization of the joint duty assignment positions which were not filled by officers with the joint specialty;

“(B) an explanation of the reasons such positions were not filled by officers with the joint specialty, described by the categories of such reasons; and

“(C) the percentage of critical joint duty assignment positions held by officers who have the joint specialty.”

1989—Pars. (17), (18). Pub. L. 101-189 added par. (17) and redesignated former par. (17) as (18).

1988—Pars. (16), (17). Pub. L. 100-456 added par. (16) and redesignated former par. (16) as (17).

1987—Par. (2). Pub. L. 100-180, § 1304(a)(1), (2), added par. (2) and redesignated former par. (2) as (5).

Par. (3). Pub. L. 100-180, § 1304(a)(1), (2), added par. (3) and redesignated former par. (3) as (6).

Par. (4). Pub. L. 100-180, § 1304(a)(1), (2), added par. (4) and redesignated former par. (4) as (7).

Par. (5). Pub. L. 100-180, § 1304(a)(1), redesignated former par. (2) as (5) and former par. (5) as (8).

Par. (6). Pub. L. 100-180, § 1304(a)(1), (3), redesignated former par. (3) as (6) and substituted “paragraph (5)” for “paragraph (2)”. Former par. (6) redesignated (10).

Par. (7). Pub. L. 100-180, § 1304(a)(1), (3), redesignated former par. (4) as (7) and substituted “paragraph (5)” for “paragraph (2)”. Former par. (7) redesignated (11).

Par. (8). Pub. L. 100-180, § 1304(a)(1), (3), redesignated former par. (5) as (8) and substituted “paragraph (5)” for “paragraph (2)”. Former par. (8) redesignated (13).

Par. (9). Pub. L. 100-180, § 1304(a)(1), (4), added par. (9) and redesignated former par. (9) as (14).

Par. (10). Pub. L. 100-180, § 1304(a)(1), redesignated former par. (6) as (10). Former par. (10) redesignated (16).

Par. (11). Pub. L. 100-180, § 1304(a)(1), redesignated former par. (7) as (11).

Par. (12). Pub. L. 100-180, § 1304(a)(5), added par. (12).

Par. (13). Pub. L. 100-180, § 1304(a)(1), (6), redesignated former par. (8) as (13) and substituted “paragraphs (5) through (9)” for “paragraphs (2) through (5)”.

Par. (14). Pub. L. 100-180, § 1304(a)(1), redesignated former par. (9) as (14).

Par. (15). Pub. L. 100-180, § 1304(a)(7), added par. (15).

Par. (16). Pub. L. 100-180, § 1304(a)(1), redesignated former par. (10) as (16).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Oct. 1, 2007, see section 519(e) of Pub. L. 109-364, set out as a note under section 664 of this title.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Section 1304(b) of Pub. L. 100-180 provided that: “Paragraphs (3) and (4) of section 667 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1987.”

#### ADDITIONAL INFORMATION TO BE INCLUDED IN FIVE ANNUAL JOINT OFFICER POLICY REPORTS AFTER NOVEMBER 30, 1993

Pub. L. 103-160, div. A, title IX, § 931(e), Nov. 30, 1993, 107 Stat. 1734, directed the Secretary of Defense to include as part of the information submitted to Congress pursuant to this section for each of the next five years after Nov. 30, 1993, the degree of progress made toward meeting the requirements of section 619a of this title and the compliance achieved with each of the plans developed pursuant to Pub. L. 103-160, § 931(d), formerly set out as a note under section 619a of this title.

#### § 668. Definitions

(a) JOINT MATTERS.—(1) In this chapter, the term “joint matters” means matters related to the achievement of unified action by integrated military forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—

(A) national military strategy;

(B) strategic planning and contingency planning;

(C) command and control of operations under unified command;

(D) national security planning with other departments and agencies of the United States; or

(E) combined operations with military forces of allied nations.

(2) In the context of joint matters, the term “integrated military forces” refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

(A) more than one military department; or

(B) a military department and one or more of the following:

(i) Other departments and agencies of the United States.

(ii) The military forces or agencies of other countries.

(iii) Non-governmental persons or entities.

(b) JOINT DUTY ASSIGNMENT.—(1) The Secretary of Defense shall by regulation define the term “joint duty assignment” for the purposes of this chapter. That definition—

(A) shall be limited to assignments in which the officer gains significant experience in joint matters; and

(B) shall exclude assignments for joint training and education, except an assignment as an instructor responsible for preparing and presenting courses in areas of the curricula designated in section 2155(c) of this title as part of a program designated by the Secretary of Defense as joint professional military education Phase II.

(2) The Secretary shall publish a joint duty assignment list showing—

(A) the positions that are joint duty assignment positions under such regulation and the number of such positions and, of those positions, those that are positions held by general or flag officers and the number of such positions; and

(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions and, of those positions, those that are positions held by general or flag officers and the number of such positions.

(c) CLARIFICATION OF “TOUR OF DUTY”.—For purposes of this chapter, a tour of duty in which an officer serves in more than one joint duty assignment without a break between such assignments shall be considered to be a single tour of duty in a joint duty assignment.

(d) CRITICAL OCCUPATIONAL SPECIALTY.—(1) In this chapter, the term “critical occupational specialty” means a military occupational specialty involving combat operations within the combat arms, in the case of the Army, or the equivalent arms, in the case of the Navy, Air Force, and Marine Corps, that the Secretary of Defense designates as critical.

(2) At a minimum, the Secretary of Defense shall designate as a critical occupational specialty under paragraph (1) any military occupational specialty within a combat arms (or the equivalent) that is experiencing a severe shortage of trained officers in that specialty, as determined by the Secretary.

(Added Pub. L. 99-433, title IV, §401(a), Oct. 1, 1986, 100 Stat. 1029; amended Pub. L. 100-180, div.

A, title XIII, §§1302(c)(1), 1303(b), Dec. 4, 1987, 101 Stat. 1170, 1172; Pub. L. 100-456, div. A, title V, §519(b), Sept. 29, 1988, 102 Stat. 1972; Pub. L. 108-375, div. A, title V, §534(a), (b), Oct. 28, 2004, 118 Stat. 1901; Pub. L. 109-364, div. A, title V, §519(a)-(c), Oct. 17, 2006, 120 Stat. 2190, 2191; Pub. L. 111-383, div. A, title V, §521, Jan. 7, 2011, 124 Stat. 4214.)

#### AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-383, §521(1)(A), substituted “integrated” for “multiple” in introductory provisions.

Subsec. (a)(1)(D). Pub. L. 111-383, §521(1)(B), substituted “or” for “and”.

Subsec. (a)(2). Pub. L. 111-383, §521(2), added par. (2) and struck out former par. (2), which read as follows: “In the context of joint matters, the term ‘multiple military forces’ refers to forces that involve participants from the armed forces and one or more of the following:

“(A) Other departments and agencies of the United States.

“(B) The military forces or agencies of other countries.

“(C) Non-governmental persons or entities.”

2006—Subsec. (a). Pub. L. 109-364, §519(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “In this chapter, the term ‘joint matters’ means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

“(1) national military strategy;

“(2) strategic planning and contingency planning; and

“(3) command and control of combat operations under unified command.”

Subsec. (b)(1). Pub. L. 109-364, §519(b), substituted provisions limiting the definition of “joint duty assignment” to assignments in which the officer gains significant experience in joint matters and excluding assignments for joint training and education, except an assignment as an instructor responsible for courses as part of a program designated as joint professional military education Phase II, for provisions limiting the definition of “joint duty assignment” to assignments in which the officer gains significant experience in joint matters and excluding assignments for joint training or joint education and assignments within an officer’s own military department.

Subsec. (d). Pub. L. 109-364, §519(c), added subsec. (d).

2004—Subsec. (b)(2). Pub. L. 108-375, §534(a), substituted “a joint duty assignment list” for “a list” in introductory provisions.

Subsec. (c). Pub. L. 108-375, §534(b), struck out “with- in the same organization” before “without a break”.

1988—Subsecs. (c), (f). Pub. L. 100-456 redesignated subsec. (f) as (c).

1987—Subsec. (b)(2). Pub. L. 100-180, §1302(c)(1), inserted “and, of those positions, those that are positions held by general or flag officers and the number of such positions” in subpars. (A) and (B).

Subsec. (f). Pub. L. 100-180, §1303(b), added subsec. (f).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Oct. 1, 2007, see section 519(e) of Pub. L. 109-364, set out as a note under section 664 of this title.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title V, §534(c), Oct. 28, 2004, 118 Stat. 1901, provided that: “The amendment made by subsection (b) [amending this section] shall not apply in the case of a joint duty assignment completed by an officer before the date of the enactment of this Act [Oct. 28, 2004], except in the case of an officer who has continued in joint duty assignments, without a break in service in such assignments, between the end of such assignment and the date of the enactment of this Act.”

## PUBLICATION OF REVISED JOINT DUTY ASSIGNMENT LIST

Pub. L. 100-180, div. A, title XIII, §1302(c)(2), Dec. 4, 1987, 101 Stat. 1170, directed the Secretary of Defense to publish a revised list under subsec. (b)(2) of this section not later than six months after Dec. 4, 1987, which would take into account the amendments to this section and section 661 of this title made by Pub. L. 100-180, §1302.

## TRANSITION TO JOINT OFFICER PERSONNEL POLICY

The list of positions required to be published by subsec. (b)(2) of this section to be published not later than six months after Oct. 1, 1986, see section 406(a)(2) of Pub. L. 99-433, set out as a note under section 661 of this title.

## CHAPTER 39—ACTIVE DUTY

- Sec.  
671. Members not to be assigned outside United States before completing training.  
671a. Members: service extension during war.  
671b. Members: service extension when Congress is not in session.  
672. Reference to chapter 1209.  
[673 to 687. Renumbered.]  
688. Retired members: authority to order to active duty; duties.  
688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments.  
689. Retired members: grade in which ordered to active duty and upon release from active duty.  
690. Retired members ordered to active duty: limitation on number.  
691. Permanent end strength levels to support two major regional contingencies.

## AMENDMENTS

2006—Pub. L. 109-364, div. A, title VI, §621(d)(2)(B), Oct. 17, 2006, 120 Stat. 2255, substituted “Retired members: temporary authority to order to active duty in high-demand, low-density assignments” for “Retired aviators: temporary authority to order to active duty” in item 688a.

2002—Pub. L. 107-314, div. A, title V, §503(a)(2), Dec. 2, 2002, 116 Stat. 2530, added item 688a.

1996—Pub. L. 104-201, div. A, title V, §521(c), Sept. 23, 1996, 110 Stat. 2517, added items 688, 689, and 690 and struck out former item 688 “Retired members”.

Pub. L. 104-106, div. A, title IV, §401(b)(2), title XV, §1501(c)(7), Feb. 10, 1996, 110 Stat. 286, 499, struck out items 687 “Ready Reserve: muster duty” and 690 “Limitation on duty with Reserve Officer Training Corps units” and added item 691.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(7), Oct. 5, 1994, 108 Stat. 3013, substituted “Reference to chapter 1209” for “Reserve components generally” in item 672 and struck out former items 673 to 686 and 689.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(4)(B), Dec. 5, 1991, 105 Stat. 1472, substituted “Corps” for “Corp” in item 690.

Pub. L. 102-25, title VII, §701(e)(3), Apr. 6, 1991, 105 Stat. 114, transferred item 687 “Limitation on duty with Reserve Officer Training Corp units” to appear after item 689 and redesignated that item as 690.

1990—Pub. L. 101-510, div. A, title V, §559(a)(2), Nov. 5, 1990, 104 Stat. 1571, added item 687 “Limitation on duty with Reserve Officer Training Corp units”.

1989—Pub. L. 101-189, div. A, title V, §502(a)(2), Nov. 29, 1989, 103 Stat. 1436, added item 687.

1987—Pub. L. 100-180, div. A, title XII, §1231(4), Dec. 4, 1987, 101 Stat. 1160, amended analysis by transferring item 686 from the end to a position immediately below item 685.

1986—Pub. L. 99-661, div. A, title IV, §412(b)(2), Nov. 14, 1986, 100 Stat. 3862, added item 686 at end of analysis.

1983—Pub. L. 98-94, title X, §§1017(b)(4), 1021(b), Sept. 24, 1983, 97 Stat. 669, 670, substituted “Retired members” for “Regular components: retired members” in item 688, and added item 673c.

1980—Pub. L. 96-513, title V, §501(8), Dec. 12, 1980, 94 Stat. 2907, struck out item 687 “Non-Regulars: readjustment payment upon involuntary release from active duty” and added items 688 and 689.

1979—Pub. L. 96-107, title III, §303(a)(2), Nov. 9, 1979, 93 Stat. 806, struck out item 686 “Reports to Congress”.

1976—Pub. L. 94-286, §1, May 14, 1976, 90 Stat. 517, added item 673b.

1968—Pub. L. 90-235, §1(a)(1)(B), Jan. 2, 1968, 81 Stat. 753, added items 671a and 671b.

1967—Pub. L. 90-40, §6(2), June 30, 1967, 81 Stat. 106, added item 673a.

1962—Pub. L. 87-651, title I, §102(b), Sept. 7, 1962, 76 Stat. 508, added item 687.

1958—Pub. L. 85-861, §1(16), Sept. 2, 1958, 72 Stat. 1441, added items 684 and 685.

## § 671. Members not to be assigned outside United States before completing training

(a) A member of the armed forces may not be assigned to active duty on land outside the United States and its territories and possessions until the member has completed the basic training requirements of the armed force of which he is a member.

(b) In time of war or a national emergency declared by Congress or the President, the period of required basic training (or its equivalent) may not (except as provided in subsection (c)) be less than 12 weeks.

(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned for members of the armed forces who have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty, as determined under regulations prescribed under paragraph (2). Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations for the purposes of paragraph (1). The regulations prescribed by the Secretary of Defense shall apply uniformly to the military departments.

(Aug. 10, 1956, ch. 1041, 70A Stat. 27; Pub. L. 94-106, title VIII, §802(b), Oct. 7, 1975, 89 Stat. 537; Pub. L. 99-661, div. A, title V, §501, Nov. 14, 1986, 100 Stat. 3863; Pub. L. 103-160, div. A, title V, §511, Nov. 30, 1993, 107 Stat. 1648; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
671 .....	50 App.:454(a) (words between semicolon and proviso of 6th par.).	June 24, 1948, ch. 625, §4(a) (words between semicolon and proviso of 6th par.); restated June 19, 1951, ch. 144, §1(d) (words between semicolon and proviso of 6th par.), 65 Stat. 78.

The words “four months of basic training or its equivalent” are substituted for the words “the equivalent”.